

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MELISSA SANTIAGO,

Defendant Below-
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-
Appellee.

§

§ No. 322, 2011

§

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§ Court Below—Superior Court

§ of the State of Delaware

§ in and for New Castle County

§ Cr. ID No. 1005019130

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Submitted: July 12, 2011

Decided: July 18, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 18th day of July 2011, it appears to the Court that:

(1) On June 29, 2011, the Court received the appellant's notice of appeal from the Superior Court's May 17, 2011 violation of probation sentencing order. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before June 16, 2011.

(2) On June 29, 2011, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed her response to the notice to show cause on

July 12, 2011. The appellant states that she mailed her notice of appeal on June 2, 2011 and believes that her incarceration delayed the paperwork.¹

(3) Pursuant to Rule 6(a)(ii), a notice of appeal from a sentence must be filed within 30 days of the date sentence is imposed. Time is a jurisdictional requirement.² A notice of appeal must be received by the Office of the Clerk within the applicable time period in order to be effective.³ An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.⁴ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, the appeal may not be considered.⁵

(4) There is nothing in the record before us reflecting that the appellant's failure to timely file her notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

¹ The record before us reflects that the notice of appeal was first sent to the Superior Court, which received it on June 21, 2011, five days beyond the June 16, 2011 deadline.

² *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

³ Supr. Ct. R. 10(a).

⁴ *Carr v. State*, 554 A.2d at 779.

⁵ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice